



January 25, 2008

SENATE BILL No. 219

DIGEST OF SB 219 (Updated January 23, 2008 1:55 pm - DI 102)

Citations Affected: IC 4-1; IC 5-10; IC 20-33; IC 22-2; IC 34-30.

Synopsis: Lactation support in the workplace. Provides that the state and political subdivisions: (1) shall provide for reasonable paid breaks for an employee to express breast milk for the employee's infant child; (2) must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express the employee's breast milk in privacy; and (3) must make reasonable efforts to provide for a refrigerator or other cold storage for keeping breast milk that has been expressed. Provides that other employers that employ 25 or more individuals, to the extent possible, must provide: (1) a private location for an employee to express the employee's breast milk during any period away from the employee's assigned duties; and (2) a refrigerator or other cold storage space, or allow the employee to provide the employee's own portable storage device, for keeping the expressed milk until the end of the employee's work day. Provides that, except in case of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from: (1) the expressing of an employee's breast milk; or (2) the storage of expressed milk; on the employer's premises.

Effective: July 1, 2008.

Simpson, Kruse

January 8, 2008, read first time and referred to Committee on Pensions and Labor.
January 24, 2008, amended, reported favorably — Do Pass.

SB 219—LS 6432/DI 14+



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January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 219

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 1. It is the intent of this chapter that
3 state offices be open and able to conduct public business at all times
4 during an eight and one-half (8 1/2) hour working day. Each employee
5 shall work for a full seven and one-half (7 1/2) hours each working day
6 and provision for a one (1) hour lunch period shall be provided each
7 employee. Lunch hours of employees shall be staggered to permit the
8 conduct of business at all times during a working day. **Breaks shall be**
9 **provided as set forth in IC 5-10-6-2.** It shall be lawful for state offices
10 to close their doors for business from the close of the working day each
11 Friday or in the event Friday is a legal holiday, then from the close of
12 the working day on the Thursday which immediately precedes such
13 legal holiday, until the commencement of the working day on the next
14 following Monday, or in the event Monday is a legal holiday, then until
15 the commencement of the working day on the Tuesday which
16 immediately follows such legal holiday; provided, however, that the
17 state library may be kept open until noon Saturdays in the discretion of

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the Indiana library and historical board.

SECTION 2. IC 5-10-6-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2. (a) The state and political subdivisions of the state shall provide reasonable paid break time each day to an employee who needs to express breast milk for the employee's infant child. The break time must, if possible, run concurrently with any break time already provided to the employee. The state and political subdivisions are not required to provide break time under this section if providing break time would unduly disrupt the operations of the state or political subdivisions.**

(b) The state and political subdivisions of the state shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where an employee described in subsection (a) can express the employee's breast milk in privacy. The state and political subdivisions shall make reasonable efforts to provide a refrigerator or other cold storage space for keeping milk that has been expressed. The state or a political subdivision is not liable if the state or political subdivision makes a reasonable effort to comply with this subsection.

SECTION 3. IC 20-33-3-30, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 30. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:**

- (1) section 6 of this chapter; or
- (2) section 29(2) or 29(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.

SECTION 4. IC 22-2-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 14. Employee Breaks

Sec. 1. As used in this chapter, "employer" means a person or entity that employs twenty-five (25) or more employees.

Sec. 2. (a) To the extent possible, an employer shall provide a private location, other than a toilet stall, where an employee can

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1 express the employee's breast milk in privacy during any period
 2 away from the employee's assigned duties.

3 (b) To the extent possible, an employer shall:

4 (1) provide a refrigerator or other cold storage space for
 5 keeping milk that has been expressed; or

6 (2) allow the employee to provide the employee's own portable
 7 cold storage device for keeping milk that has been expressed
 8 until the end of the employee's work day.

9 (c) Except in cases of willful misconduct, gross negligence, or
 10 bad faith, an employer is not liable for any harm caused by or
 11 arising from either of the following that occur on the employer's
 12 premises:

13 (1) The expressing of an employee's breast milk.

14 (2) The storage of expressed milk.

15 SECTION 5. IC 34-30-2-11.2 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2008]: **Sec. 11.2. IC 5-10-6-2 (Concerning**
 18 **employee breaks for nursing mothers).**

19 SECTION 6. IC 34-30-2-87.2 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2008]: **Sec. 87.2. IC 22-2-14-2(c) (Concerning**
 22 **the expressing and storage of an employee's breast milk on an**
 23 **employer's premises).**

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SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 219.

SIMPSON

 COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 40, delete "six (6)" and insert "**twenty-five (25)**".

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 5.

Page 3, line 6, delete "3. An" and insert "**2. (a) To the extent possible, an**".

Page 3, line 6, delete "make reasonable efforts to".

Page 3, line 7, delete "room or other" and insert "**private**".

Page 3, line 7, delete "in close proximity".

Page 3, line 8, delete "to the work area,".

Page 3, line 8, delete "described in section 2 of this".

Page 3, line 9, delete "chapter".

Page 3, line 9, after "privacy" delete ". An" and insert "**during any period away from the employee's assigned duties.**

(b) To the extent possible, an".

Page 3, line 10, delete "make reasonable efforts to" and insert "**(1)**".

Page 3, line 12, after "expressed" delete ". The employer is not liable if the employer makes a" and insert "**; or**

(2) allow the employee to provide the employee's own portable cold storage device for keeping milk that has been expressed until the end of the employee's work day."

Page 3, delete line 13, begin a new paragraph and insert:

"(c) Except in cases of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from either of the following that occur on the employer's premises:

(1) The expressing of an employee's breast milk.

(2) The storage of expressed milk."



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Page 3, after line 17, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-87.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 87.2. IC 22-2-14-2(c) (Concerning the expressing and storage of an employee's breast milk on an employer's premises).**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 219 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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